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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

TUFF-N-UFF PRODUCTIONS, INC., a
Nevada domestic corporation; and BARRY
MEYER, an individual,

Defendants.

Case No.: 2:10-cv-0794

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Tuff-N-Uff Productions, Inc. (“Tuff-N-Uff”) and Barry Meyer (“Mr. Meyer”; collectively with Tuff-N-Uff known herein as the “Defendants”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Tuff-N-Uff is, and has been at all times relevant to this lawsuit, a domestic corporation with its principal place of business in Nevada.

5. Mr. Meyer is, and has been at all times relevant to this lawsuit, identified as the President, Secretary, Treasurer, and Director of Tuff-N-Uff, according to the Nevada Secretary of State Business Entity database.

6. Tuff-N-Uff is, and has been at all times relevant to this lawsuit, identified by the current registrar, NameSecure.com (“NameSecure”), as a registrant of the Internet domain found at <tuffnuff.net> (the “Domain”).

7. Mr. Meyer is, and has been at all times relevant to this lawsuit, identified by NameSecure as a registrant of the Domain.

8. Tuff-N-Uff is, and has been at all times relevant to this lawsuit, identified by NameSecure as an administrative contact for the Domain.

9. Mr. Meyer is, and has been at all times relevant to this lawsuit, identified by NameSecure as an administrative contact for the Domain.

JURISDICTION

10. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

11. Tuff-N-Uff purposefully directs activities at Nevada residents, which activities have resulted in the copyright infringement alleged herein.

12. Mr. Meyer purposefully directs activities at Nevada residents, which activities have resulted in the copyright infringement alleged herein.

1 13. Righthaven is the owner of the copyright in the literary work entitled “Kowalski
2 seeks rematch while broken arm heals” (the “Work”), attached hereto as Exhibit 1.

3 14. The Defendants copied, on an unauthorized basis, the Work from a source
4 emanating from Nevada.

5 15. On or about March 3, 2010, the Defendants displayed and continue to display an
6 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, as part
7 of the content accessible through the Domain (said content accessible through the Domain
8 known herein as the “Website”).

9 16. The Defendants purposefully direct and effectuate the unauthorized reproduction
10 of a Righthaven-owned copyrighted work on the Website.

11 17. The Defendants’ unauthorized reproduction of a Righthaven-owned copyrighted
12 work found on the Website is purposefully targeted at Nevada residents.

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15 **VENUE**

16 18. The United States District Court for the District of Nevada is an appropriate
17 venue, pursuant to 28 U.S.C. §1391(b)(2), because a substantial part of the events giving rise to
18 the claim for relief are situated in Nevada.

19 19. The United States District Court for the District of Nevada is an appropriate
20 venue, pursuant to 28 U.S.C. §1391(b)(3) and §1400(a), because Tuff-N-Uff may be found in
21 Nevada.

22 20. The United States District Court for the District of Nevada is an appropriate
23 venue, pursuant to 28 U.S.C. §1391(c), because Tuff-N-Uff is subject to personal jurisdiction in
24 Nevada.

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26 **FACTS**

27 21. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C.
28 §102(a)(1).

22. Righthaven is the owner of the copyright in the Work.

23. The Work was originally published on March 2, 2010.

24. On May 13, 2010, the United States Copyright Office (the “USCO”) granted Righthaven the registration to the Work, copyright registration number TX0007139272 (the “Registration”) and attached hereto as Exhibit 3 is evidence of the Registration in the form of a printout of the official USCO database record depicting the occurrence of the Registration.

25. No later than March 3, 2010, the Defendants displayed the Infringement on the Website.

26. The Defendants did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

27. The Defendants were not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 27 above.

29. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. §106(1).

30. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. §106(2).

31. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. §106(3).

32. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. §106(5).

33. The Defendants reproduced the Work in derogation of Righthaven’s exclusive rights under 17 U.S.C. §106(1).

1 34. The Defendants created an unauthorized derivative of the Work in derogation of
2 Righthaven's exclusive rights under 17 U.S.C. §106(2).

3 35. The Defendants distributed, and continue to distribute, an unauthorized
4 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
5 17 U.S.C. §106(3).

6 36. The Defendants publicly displayed, and continue to publicly display, an
7 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
8 rights under 17 U.S.C. §106(5).

9 37. Tuff-N-Uff has willfully engaged in the copyright infringement of the Work.

10 38. Mr. Meyer has willfully engaged in the copyright infringement of the Work.

11 39. The Defendants' acts as alleged herein, and the ongoing direct results of those
12 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
13 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

14 40. Unless the Defendants are preliminarily and permanently enjoined from further
15 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
16 entitled to preliminary and permanent injunctive relief against further infringement by the
17 Defendants of the Work, pursuant to 17 U.S.C. §502.

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20 **PRAYER FOR RELIEF**

21 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

22 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
23 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
24 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
25 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
26 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
27 directing, participating in, or assisting in any such activity;

1 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
2 or electronic copies:

3 a. All evidence and documentation relating in any way to the Defendants'
4 use of the Work, in any form, including, without limitation, all such evidence and
5 documentation relating to the Website;

6 b. All evidence and documentation relating to the names and addresses
7 (whether electronic mail addresses or otherwise) of any person with whom the
8 Defendants have communicated regarding the Defendants' use of the Work; and

9 c. All financial evidence and documentation relating to the Defendants' use
10 of the Work;

11 3. Direct NameSecure and any successor domain name registrar for the Domain to
12 lock the Domain and transfer control of the Domain to Righthaven;

13 4. Award Righthaven statutory damages for the willful infringement of the Work,
14 pursuant to 17 U.S.C. §504(c);

15 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
16 Righthaven in bringing this action, pursuant to 17 U.S.C. §505;

17 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
18 law; and

19 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

Dated this twenty-seventh day of May, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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